

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, December 11, 2001 - - 7:30 p.m.**

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Boyd, Director of Citizen Assistance; Ms. O'Regan, Director of Human Services; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. Neckel, Director of Finance; Public Information Officer Gordon; Ms. Davis, Director of Housing; Fire Chief Hawkins; Mr. Swearingen, Director of Management and Budget; Legislative Director Caton; Dr. Claiborn, Director of Mental Health, Mental Retardation and Substance Abuse; Ms. Federico, Director of Historic Alexandria; and Lieutenant Uzzell, Police Department.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

At 6:00 p.m., City Council held a Work Session with the Alexandria Convention and Visitors Association (ACVA).

Mayor Donley made opening remarks.

Wanda McKeon, ACVA chair, made introductions, provided a review of the first five years (FY 1996-FY 2000), and the FY 2001 end of the year report.

ACVA Director Mitchell provided a report on FY 2002, and a preview of FY 2003.

Members of City Council, Ms. McKeon, Ms. Mitchell, Assistant City Manager Jinks and City Manager Sunderland participated in a discussion. There was considerable discussion of continuing the Dash About bus.

Mayor Donley stated that the general consensus is that the City try to find a way to keep the Dash About going full term. Staff was requested to do surveys to get the information and the data to help make the case to continue it which also sets the stage for Fiscal Year 2003 consideration.

The work session was concluded at 7:30 p.m.

(Materials pertaining to the above work session are on file in the office of the City Clerk and Clerk of Council and are incorporated as part of the record.)

OPENING

The Meeting was called to Order by Mayor Donley, and the City Clerk called the Roll; all Members of Council were present except Vice Mayor Cleveland who arrived at 8:05 p.m.

The Invocation was pronounced by Mrs. Danielle Stanley, Representative of the Alexandria BAHAI' Local Spiritual Assembly.

At this time, Mayor Donley called for a moment of silence on the three-month anniversary of the tragedies which took place on September 11, 2001.

3. **THERE BEING NO DISCUSSION**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, City Council approved the Minutes for (a) The Public Hearing Meeting of November 17, 2001, as submitted; and deferred the Minutes for (b) The Regular Meeting of November 27, 2001, to the January 8, 2002 Regular Meeting. The voting was as follows:

Euille	"aye"	Cleveland	not yet arrived
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

(A copy of the City Clerk's memorandum dated December 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3 (b); 12/11/01, and is incorporated herewith as part of this record by reference.)

4. **THERE BEING NO DISCUSSION**, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, City Council received the Report of the City Clerk dated December 6, 2001, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/11/01, and is incorporated herewith as part of this record by reference. The voting was as follows:

Speck	"aye"	Cleveland	not yet arrived
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Woodson	"aye"

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

5. Presentation of Proclamation Recognizing the St. Stephens/St. Agnes Field Hockey Team.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/11/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley presented the proclamation and congratulated the team on its outstanding season.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a vote of 6-to-0, City Council endorsed the proclamation. The voting was as follows:

Pepper	"aye"	Cleveland	not yet arrived
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

OPENING (continued)

6. Presentation of Proclamation Congratulating Alexandrian Mark Warner as Governor-elect of the Commonwealth of Virginia.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/11/01, and is incorporated herewith as part of this record by reference.)

Councilman Euille presented the proclamation to Lisa Collis, the next First Lady for the Commonwealth of Virginia.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, City Council endorsed the proclamation. The voting was as follows:

Euille	"aye"	Cleveland	not yet arrived
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

7. Presentation of Proclamation Recognizing the T.C. Williams High School Football Team.

(A copy of the City Clerk's memorandum dated December 11, 2001, requesting a deferral, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/11/01, and is incorporated herewith as part of this record by reference.)

Without objection, City Council noted the deferral of this item.

8. Presentation of Proclamation Declaring December, 2001 as Human Rights Month in the City of Alexandria.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/11/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein presented the proclamation.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilman Speck and carried on a vote of 6-to-0, City Council endorsed the proclamation. The voting was as follows:

Eberwein	"aye"	Cleveland	not yet arrived
Speck	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

New Business Item No. 1: Mayor Donley was presented with the R.O.S.E. Award in recognition of service excellence for the citizens of Alexandria, Virginia, by Temple Forest No. 136, Tall Cedars of Lebanon.

At 8:05 p.m., Vice Mayor Cleveland arrived.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (9-13) (17-19)

Without objection, City Council removed docket item nos. 9 (d), 10, 11 and 12 from the Consent Calendar and considered them under separate motions.

9. Uncontested Appointments to Boards, Commissions and Committees:
 - (a) Alexandria Commission for the Arts
1 Member Who Represents the Public-at-Large As An Arts Consumer and Participant
 - (b) Alexandria Commission on Aging
1 Citizen Member Who Is 60 Years of Age or Older
 - (c) Alexandria Commission on HIV/AIDS
1 Citizen Member
 - (e) Alexandria Public Health Advisory Commission
1 Non-Health Professional Member
 - (f) Alexandria Public Records Advisory Commission
1 Citizen Member
 - (g) Alexandria Social Services Advisory Board
3 Citizen Members
 - (h) Alexandria Waterfront Committee
1 Representative of the Old Town Civic Association

(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 9 (a-c; e-h); 12/11/01, and is incorporated herewith as part of this record by reference.)

13. Receipt of Staff Recommendation Regarding the Installation of a Traffic Signal at the Intersection of North Patrick Street and Oronoco Street, and Setting it for Public Hearing on Saturday, December 15.

(A copy of the City Manager's memorandum dated December 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 12/11/01, and is incorporated herewith as part of this record by reference.)

17. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend the composition of the Sister Cities Committee to permit the School Board to designate either a board member or another representative to serve on the committee.

(A copy of the City Manager's memorandum dated December 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 12/11/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 12/11/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 17; 12/11/01, and is incorporated herewith as part of this record by reference.)

18. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to provide for the assessment in adult criminal and juvenile traffic cases in the Alexandria Juvenile and Domestic Relations District Court of a \$2.00 fee for the support of the courthouse and jail.

(A copy of the City Manager's memorandum dated December 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 12/11/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 12/11/01; and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 18; 12/11/01, and is incorporated herewith as part of this record by reference.)

19. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend the boundaries of the federal courthouse parking zone.

(A copy of the City Clerk's memorandum dated December 6, 2001, requesting a deferral, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/11/01, and is incorporated herewith as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Consent Calendar as presented with the exception of docket item nos. 9 (d), 10, 11 and 12 which were considered under separation motions. The City Manager's recommendations are as follows:

9. City Council (a) appointed Ellen Harris as a Member Who Represents the Public-at-Large as an Arts Consumer and Participant to the Alexandria Commission for the Arts; (b) reappointed William Harris as a Citizen Member Who is 60 Years of Age or Older to the Alexandria Commission on Aging; (c) appointed Michael Starkweather as a Citizen Member to the Alexandria Commission on HIV/AIDS; (e) reappointed Lori Cooper as a Non-Health Professional Member to the Alexandria Public Health Advisory Commission; (f) reappointed Clarence Henley as a Citizen Member to the Alexandria Public Records Advisory Commission; (g) appointed Ashley Baker, Kevin Callahan, and Carrie Jones as Citizen Members to the Alexandria Social Services Advisory Board; and (h) reappointed William Kuehnle as a Representative of the Old Town Civic Association to the Alexandria Waterfront Committee.

13. City Council received this report and docketed it for public hearing on December 15.

17. City Council introduced the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, December 15, 2001.

18. City Council introduced the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, December 15, 2001.

19. City Council deferred this ordinance.

END OF CONSENT CALENDAR

The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

9. (d) Alexandria George Washington Birthday Celebration Committee
1 Representative of the Business Community Nominated by the
Alexandria Chamber of Commerce

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9 (d); 12/11/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper stated that her husband is the applicant for the Alexandria George Washington Birthday Celebration Committee, and she does not wish to participate in the vote on this item to prevent the appearance of a conflict of interest.

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Woodson and carried on a vote of 6-to-0, City Council reappointed F. J. Pepper as a Representative of the Business Community Nominated by the Alexandria Chamber of Commerce to the Alexandria George Washington Birthday Celebration Committee. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Woodson	"aye"	Euille	"aye"
Donley	"aye"	Pepper	did not vote
	Speck	"aye"	

10. Consideration of Application for Funding to the Virginia Housing Development Authority (VHDA) for the Sponsoring Partnerships and Revitalizing Communities (SPARC) Program.

(A copy of the City Manager's memorandum dated December 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/11/01, and is incorporated herewith as part of this record by reference.

A copy of a fax dated December 11, 2001, from the Alexandria Chamber of Commerce, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 12/11/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Woodson directed questions to Housing Director Davis, and Mayor Donley participated in the discussion.

Staff was requested to provide Council with periodic updates on how we are doing with the programs.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously, City Council approved the submission of an application to VHDA for SPARC program funding for low-interest financing for affordable homeownership initiatives, with the understanding that we receive regular updates about the progress of the program over the next few months, and that we would possibly redocket the item if it is felt that adjustments need to be made given the discussion about trying to emphasize or at least strike a balance of 50-50 with the Homeownership Assistance Program (HAP) and the Moderate-Income Housing Assistance Program (MIP). The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

11. Receipt of the Alexandria Community Services Board FY 2001 Annual Report.

(A copy of the City Manager's memorandum dated November 30, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/11/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein noted that one of the highlights and challenges facing the Board for 2002, is the new location for the Board's Clubhouse which is a social facility for a lot of mentally ill in Alexandria. As we move forward looking for a new location for the public health clinic, she encouraged Council Members to visit the Clubhouse, at lunchtime in particular, to remind us to keep that facility in mind as we move forward. Ms. Eberwein acknowledged that the City is in very tough times budget wise, but thought that this is an important item to keep aware of and when the relocation can be done, it would be good to do it.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council received the Alexandria Community Services Board's FY 2001 Annual Report. The voting was as follows:

Eberwein	"aye"	Euille	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

12. Receipt of the Annual Report of the Historical Restoration and Preservation Commission.

(A copy of the City Manager's memorandum dated November 30, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/11/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein extended thanks to Historic Alexandria Director Federico and her staff for being responsive to a suggestion she mentioned when the renovation of the Lloyd House was discussed. She noted that when we were thinking about redoing the garden and having it available for functions, that a look be taken at the first floor of the Lloyd House as also being something that could be used for public facilities. Ms. Eberwein acknowledged that this has been incorporated into the design and thanked Director Federico for it.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council received the report of the Alexandria Historical Restoration and Preservation Commission and thanked the members for their efforts on behalf of the City. The voting was as follows:

Eberwein	"aye"	Euille	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

14. Receipt of Report on the Closing of a Public Way Consisting of South Royal and South Streets, from Jones Point Drive to South Washington Street, and Setting it for Public Hearing on Saturday, December 15.

(A copy of the City Manager's memorandum dated December 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 12/11/01, and is incorporated herewith as part of this record by reference.)

Members of City Council directed questions to Transportation and Environmental Services Director Baier with respect to impacts on St. Mary's School.

Mayor Donley asked staff to contact the Woodrow Wilson Bridge project team with respect to the City's formal request about providing funding for buses to transport St. Mary's students from a remote site to the school.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council received this report on the proposed closing of South Royal and South Streets, including a map showing the area affected by the proposed closing, and scheduled a public hearing on the proposed closing for Saturday, December 15. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

15. Receipt of Funds for the Department of Human Services for Maximization of Federal Revenues.

(A copy of the City Manager's memorandum dated December 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 12/11/01, and is incorporated herewith as part of this record by reference.)

A copy of a memorandum dated December 11, 2001, from Jon Liss, Tenants' and Workers' Support Committee, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 12/11/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council approved the proposed plan for expenditure of \$328,235 in additional federal funds. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Speck	"aye"

16. Consideration of a Local Supplement to the State Maximum Reimbursement Rates for Alexandria Family Child-care Providers in FY 2002.

(A copy of the City Manager's memorandum dated December 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 12/11/01, and is incorporated herewith as part of this record by reference.)

Human Services Director O'Regan responded to queries posed to her by the Members of City Council.

Mayor Donley requested staff to continue to dispute the state survey data, and to monitor the task force which is established to study the rate component of other jurisdictions and to be an active player in that.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Eberwein and carried unanimously, City Council approved to increase family child care provider rates to be equal to Arlington County's approved rates and (1) authorized the transfer of \$64,400 from the Contingent Reserves account in the FY 2002 budget to the Department of Human Services; and (2) set the City's family child care rates to be equal to the rates listed in [the City Manager's memorandum as] Attachment 1, column 1, **except where those rates are less than the rates approved for Alexandria**, effective January 2002, until such time as the State approves new rates in excess of these amounts, or Council approves an increase in the rates. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Mayor Donley brought up the issue of the School Board charter change and provided options as to how it could be handled, namely, (1) rescind the Charter amendment and appoint a five-person task force to examine the issue and provide advice to the Council. The five-person task force would consist of a representative of: The League of Women Voters, the Electoral Board, the PTA Council, the NAACP, and the Tenants' and Workers' Support Committee. The task force is specifically small to be manageable and excludes elected officials in order to avoid the appearance of impropriety; (2) continue with the Charter amendment and appoint the same task force to examine the issue and to provide advice to the Council. This option does not mean a change in the method of election but would give the local governing body flexibility in the future while allowing us to gain public input through the task force as well as any additional hearings, if any; and (3) continue on the path we are presently taking with the Charter change.

The Members of City Council, Members of the Electoral Board, and City Attorney Pessoa participated in a significant discussion regarding the proposed charter change relating to the School Board; a copy of the verbatim transcript of this oral presentation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral (a); 12/11/01, and is incorporated herewith as part of this record by reference.

WHEREUPON, a motion was made by Councilman Speck, seconded by Councilwoman Eberwein to go forward and designate a group to advise the Council, and the Mayor can expand it if he chooses to, but also that we specifically docket this for our first legislative meeting in January as a public hearing item, and specifically ask for people to come and to talk about it, advertise it, let people know, encourage people to come and tell Council if it is missing something and by inference if Council decides that it does not want to go forward with this charter change, it can always be pulled.

There was further discussion by Members of City Council, City Attorney Pessoa, Legislative Director Caton and City Manager Sunderland.

After this discussion, Councilman Speck withdrew his motion as he felt that this item should not have a divided Council.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Woodson and carried on a vote of 6-to-0-to-1, City Council rescinded the proposed Charter amendment [relating to the election of the School Board] and requested the Mayor to appoint a five-person task force, with the discretion to add more, to examine the issue and provide advice to the Council. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"abstain"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

(b) Mayor Donley announced that The Olympic Torch is coming to the City of Alexandria on Friday, December 21, 2001. Festivities begin at 11:30 a.m. at Market Square, with the arrival of the Olympic Flame Torchbearer about 1 p.m. A torchbearer from Alexandria will be Gene Steuerle. Gene's wife, Norma, was a passenger on the flight that crashed into the Pentagon. Gene and one of his daughters will be carrying the torch when it arrives.

(c) Councilwoman Woodson reported on her attendance at the National League of Cities Annual Conference held in Atlanta, Georgia. She indicated that she sat on two panels and gave presentations on e-government and livable communities. Councilwoman Woodson thanked staff for their assistance in preparing for her presentations.

(d) Councilwoman Pepper announced the coming of "Flexcar" to the King Street Metro Station.

(e) Councilman Speck encouraged his colleagues to visit the Juvenile and Domestic Relations Court. He recently sat through a couple of sessions and was impressed and found them to be unique and enlightening.

(f) Councilman Speck noted that the free parking after 5 p.m. on the meters ends on January 2, and asked that staff phase in enforcement by providing a warning for the first couple of weeks instead of tickets. He suggested that the City offer free parking for the month of December next year and to make it a regular part of selling our City. Councilman Speck would like staff to plan now for next year on how to implement the process in an efficient way and to communicate it to the public.

(g) Councilwoman Eberwein reported that students at Charles Barrett School collected a mile of pennies for the victims of the terrorists' attacks. A group of students and teachers went this past Saturday to a facility in Maryland where they met President Bush and heard his speech. The Burke and Herbert Bank will roll 84,480 pennies and cut a check for Barrett to send to the White House.

(h) Councilwoman Eberwein thanked the Department of Recreation for the work they did on the King Street Gardens. She indicated that the Gardens look great in that they're colorful, and staff has done a fantastic job on making this a special gateway to the City. The appearance has greatly improved.

ORDINANCES AND RESOLUTIONS (continued)

20. Consideration. Second Reading and Final Passage of an Ordinance to amend Title 5, Chapter 7 of the City Code to establish specific regulations for dogs in public parks and playgrounds, and to amend Section 1-1-11 to clarify the civil penalty enforcement authority of City officers and employees. (#18 11/17/01; #14 11/13/01)
[ROLL-CALL VOTE]

(A copy of the City Attorney's memorandum dated December 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 12/11/01, and is incorporated herewith as part of this record by reference.

Communications received on this ordinance are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 20; 12/11/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, a motion was made by Councilwoman Eberwein, seconded by Councilman Euille to finally pass the substitute ordinance upon its Second Reading and Final Passage.

Mayor Donley explained the added amendments which are included in the substitute ordinance.

Councilwoman Woodson spoke to the fear factor, and we need to try to figure out how we can bring the dog owners and the non-dog owners together.

Councilwoman Eberwein stated that she has a very good friend at Duke Street Dogs, and that individual suggested that some sort of a committee be created and comprised of members of the various dog parks throughout the City. Ms. Eberwein stated that she is not going to suggest that, but indicated that individual seemed to think that there are some very responsible dog owners out there who would like to look at this issue and to deal with some of the problems that they even see in terms of violations within the fenced dog parks.

Mayor Donley felt that we have the Park and Recreation Commission and that's the right group to deal with this issue. He expressed concern of creating another task force and that we'd be setting ourselves up for conflict. He indicated that staff can comment and look into it, but, in doing so we have a tendency to segment and divide the City, and we don't need to go out and do it on purpose.

Councilwoman Eberwein indicated that she is not advocating this, but merely bringing forth a suggestion that someone made to her. She noted that staff may want to look at this, and maybe it doesn't.

Councilman Speck indicated that there have been some fairly significant changes made with the passage of this ordinance. He suggested that this be docketed for public hearing in September for the community to comment on how this is working. Mr. Speck spoke to the size of the fine and wanted to go on record as offering the following amendment:

WHEREUPON, a motion was made by Councilman Speck, seconded by Vice Mayor Cleveland to amend the current motion on the floor and to reduce the fine from \$100 to \$50; which motion FAILED on a vote of 3-to-4. The voting was as follows:

Speck	"aye"	Eberwein	"no"
Cleveland	"aye"	Euille	"no"
Donley	"no"	Pepper	"no"
		Woodson	"aye"

THEREUPON, Council returned to the main motion made by Councilwoman Eberwein, seconded by Councilman Euille and carried on a unanimous ROLL-CALL vote, City Council finally passed the substitute ordinance upon its Second Reading and Final Passage. The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The substitute ordinance finally passed reads as follows:

ORDINANCE NO. 4228

AN ORDINANCE to enact new Section 5-7-33.1 (RUNNING AT LARGE PROHIBITED IN PUBLIC PARKS OR PLAYGROUNDS; OWNERS NOT TO LET DOGS RUN AT LARGE IN PUBLIC PARKS OR PLAYGROUNDS; KEEPING DOGS UNDER PHYSICAL RESTRAINT IN PUBLIC PARKS OR PLAYGROUNDS), and new Section 5-7-42.1 (DOG DEFECACTION IN PUBLIC PARKS AND PLAYGROUNDS), and to amend and reordain Section 5-7-46 (PENALTIES) of Article C (DOGS AND OTHER ANIMALS), Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), and to amend and reordain subsection (c) of Section 1-1-11 (CIVIL VIOLATIONS), Chapter 1 (USE AND INTRODUCTION) of Title 1 (GENERAL PROVISIONS), all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 7 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended by adding new section 5-7-33.1 to read as follows:

Sec. 5-7-33.1 Running at large prohibited in public parks or playgrounds; owners not to let dogs run at large in public parks or playgrounds; keeping dogs under physical restraint in public parks or playgrounds.

- (a) No dog shall run at large within any public park or playground at any time.

(b) It shall be unlawful for the owner of any dog to permit his dog to run at large in any public park or playground at any time.

(c) It shall be unlawful for the owner of any dog to permit the dog to be in a public park or playground unless it is kept secured by a leash, lead or other means of physical restraint which leash, lead or other means of physical restraint is not harmful or injurious to the dog and which is held by a responsible person capable of physically restraining the dog, or it is in a designated and posted dog exercise area, as provided in section 6-1-2.2 of this code.

(d) In addition to the officers identified in section 5-7-46, any city employee who is (1) specifically designated by the city manager, (2) wearing a uniform and (3) carrying identification may enforce the provisions of this section in accordance with the procedures set forth in section 5-7-46. As used in the subsection "uniform" shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee's department, office or agency, and "identification" shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer.

Section 2. That Chapter 7 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended by adding new section 5-7-42.1 to read as follows:

Sec. 5-7-42.1 Dog defecation in public parks or playgrounds.

It shall be unlawful for the owner of a dog to knowingly or willfully allow his dog to defecate in any public park or playground; provided, that defecation by a dog in any public park or playground shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in an appropriate trash receptacle. In addition to the officers identified in section 5-7-46, any city employee who is (1) specifically designated by the city manager, (2) wearing a uniform and (3) carrying identification may enforce the provisions of this section in accordance with the procedures set forth in section 5-7-46. As used in the subsection "uniform" shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee's department, office or agency, and "identification" shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer.

Section 3. That section 5-7-46 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-7-46 Penalties.

(a) Except as otherwise provided in subsection (b) below, a person shall be assessed a civil penalty of \$50 for violating any provision of this article.

(b) A person shall be assessed a civil penalty of \$100 for violating the provisions of sections 5-7-33.1 or 5-7-42.1 of this article.

(c) If an animal control officer or law enforcement officer determines that a violation of this article has occurred, he shall issue and serve, or cause to be served, a notice of violation on any and all persons committing the violation. The notice shall provide that the person served may elect to make an appearance, either in person or in writing by mail, before the treasurer of the city, and admit liability for or plead no contest to the violation and pay the civil penalty established for the violation, all within the time period set forth in the notice. If a person so notified does not elect to admit liability or to plead no contest, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided in civil actions at law. A finding or admission of liability or a plea of no contest shall not be deemed a criminal conviction for any purpose.

(d) A violation of the provisions of this article shall be an offense separate from a violation of the provisions of chapter 1 of title 6 of this code.

Section 4. That subsection (c) of section 1-1-11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 1-1-11 Civil violations.

(c) Procedures.

(1) If the head of the department or office of city government responsible for the administration or enforcement of any provision of this code determines that a civil violation of this code within his area of responsibility has occurred, such a department or office head may cause a notice of the violation to be served on any or all persons committing or permitting such violation. Any such department or office head may delegate his authority under this section to one or more subordinate employees.

(2) The notice shall state that the person served has been charged with violating one or more provisions of the city code that are punishable by civil penalty, shall identify, each such provision, and shall provide that the person may elect to make an appearance in person before or in writing by mail to the treasurer of the city, and admit liability for or plead no contest to the violations, abate the violations, and pay the civil penalty established for each violation, all within the time period fixed in the notice.

(3) If a person charged with a violation does not elect to admit liability or plead no contest, and abate the violation, the violation shall be tried in the Alexandria general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general district court, the violation shall be tried in the Alexandria circuit court.

(4) A finding or admission of liability for, or a plea of no contest to, a civil violation shall not be deemed a criminal conviction for any purpose. An admission of liability shall have the same force and effect as a judgment in court.

(5) Any city officer, or employee of the city who is (1) responsible for the enforcement of any provision of this code, (2) wearing a uniform and (3) carrying identification, may approach and question any person concerning a civil violation of this code. In the event the officer or employee has a reasonable suspicion, based upon objective facts, that any person has committed a civil violation of this code, such person shall upon request furnish the officer or employee with accurate information sufficient to identify the name, residence address and telephone number of the person, and, if the

violation arises in connection with the conduct of any trade, business or occupation, to identify the name of the trade, business or occupation and the address and telephone number thereof. The failure or refusal by such person to furnish such information shall constitute a violation of section 13-3-1 of this code. Any false or fictitious statement or representation knowingly made by such person in furnishing such information shall constitute a violation of section 13-3-2 of this code. As used in the paragraph "uniform" shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee's department, office or agency, and "identification" shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 11/13/01
First Reading: 11/13/01
Publication: 11/15/01
Public Hearing 11/17/01
Second Reading: 12/11/01
Final Passage: 12/11/01

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21. Consideration of Resolution Requesting the Virginia Department of Transportation to Establish an Urban Highway Project for the Replacement of the Route 1 (Monroe Avenue) Bridge. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/11/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried on a unanimous ROLL-CALL vote, City Council: (1) adopted the resolution and requested staff to forward it to the Virginia Department of Transportation; and (2) authorized the City Manager to sign related documents. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
		Speck	"aye"

The resolution reads as follows:

RESOLUTION NO. 2012

**ROUTE 1 (MONROE AVENUE) BRIDGE REPLACEMENT
PROJECT PROGRAMMING RESOLUTION**

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by council resolution be made in order that the Department program an urban highway project in the City of Alexandria;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Alexandria, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the replacement of the Route 1 bridge at Monroe Avenue, over the CSX rail tracks.

BE IT FURTHER RESOLVED, that the Council of the City of Alexandria hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Alexandria subsequently elects to cancel this project, the City of Alexandria hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

* * * * *

22. Consideration of a Grant Application and Resolution for Virginia Chesapeake Bay Local Assistance Board FY 2003 Funding for the City of Alexandria Chesapeake Bay Program. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 12/11/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Speck and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution that: (1) authorizes the City Manager to submit a grant application to the Virginia Chesapeake Bay Local Assistance Board for FY 2003 funding for an amount not to exceed \$75,000, for the City of Alexandria Chesapeake Bay Program; and (2) authorizes the City Manager to execute all necessary documents that may be required. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Speck	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Woodson	"aye"

The resolution reads as follows:

RESOLUTION NO. 2013

WHEREAS, the Chesapeake Bay Preservation Act establishes that the Chesapeake Bay Local Assistance Board is responsible for carrying out the purposes and provisions of Chapter 21 of the Code of Virginia; and

WHEREAS, the Chesapeake Bay Local Assistance Board has promulgated a Request for Proposals to the Local Assistance Competitive Grants Program; and

WHEREAS, the City Council is the duly elected legislative body for the City of Alexandria, Virginia, an eligible entity under the Local Assistance competitive Grants Program; and

WHEREAS, in accordance with the FY 2003 competitive Grants Program Request for Proposals, it is required that a Resolution Authorizing the Submission of a Grant Application be received from all localities party to a grant proposal;

**NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF ALEXANDRIA, VIRGINIA:**

1. That the City Manager be authorized to apply on behalf of the City of Alexandria for a grant not to exceed the amount of \$75,000 from the Chesapeake Bay Local Assistance Department for the purpose of performing a stream inventory project in the City of Alexandria; and

2. That if the grant is awarded, the City of Alexandria hereby agrees to pay for the costs of the grant project, projected to be \$140,000 in total costs, providing that certain of these costs are subject to grant reimbursements up to a total of \$75,000, which shall be payable from the Chesapeake Bay Local Assistance Department in accordance with a contractual agreement to be executed between the City of Alexandria and the Chesapeake Bay Local Assistance Department, and that, if the City of Alexandria subsequently elects to cancel this project, the City of Alexandria hereby agrees to reimburse the Chesapeake Bay Local Assistance Department for the total amount of the funds expended by the Department through the date the Department is notified of such cancellation.

* * * * *

OTHER

23. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated December 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 12/11/01, and is incorporated herewith as part of this record by reference.)

Councilman Speck noted that in previous years the public hearing on the budget has started at 4:30 p.m. Staff will include this time when the Budget Schedule is adopted on January 8.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Eberwein and carried unanimously, City Council: (1) received the revised calendar which includes the following additions: (a) the Martin Luther King, Jr. Community Program on Tuesday, January 15, 2002, at 7:30 p.m. at the First Assembly of God Church, 700 West Braddock Road; (b) the Martin Luther King, Jr. City Employee Program on Friday, January 18, 2002, at 12:00 p.m. at the Lee Center; (2) scheduled the joint informational meeting of the City Council, the School Board, and the Electoral Board to discuss potential School Board electoral district changes for **Thursday**, January **17**, 2002, at 7:30 p.m.; (3) received the following list of dates for consideration of the proposed FY 2003 budget. The schedule will be docketed for adoption by Council at its January 8 legislative meeting, and the presentation of the budget is

scheduled for Council's Tuesday, March 12 legislative meeting: (a) Wednesday, March 20 Work Session, 7:00 p.m.; (b) Monday, April 8 Public Hearing, ~~7:30~~ **4:30** p.m.; (c) Tuesday, April 16 Work Session, 7:00 p.m.; (d) Thursday, April 18 Work Session, 7:00 p.m.; (e) Monday, April 29 Work Session, 7:00 p.m., and (f) Monday, May 6 Work Session at 6:30 p.m., and Budget Adoption, 7:30 p.m.; and **(4) added the St. Patrick's Day Parade on Saturday, March 2, and the Paw Print at the Animal Shelter has been rescheduled for 8:45 a.m. on Saturday, December 15.** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

CONTESTED APPOINTMENTS

24. Alexandria Ad Hoc Recreation Needs Assessment Steering Committee
1 Citizen Representative From Planning District I

(The following persons volunteered for appointment to the above Steering Committee:)

NAME

ENDORSED BY:

Benjamin Harris

Erin Lee

* * * * *

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 24; 12/11/01, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council appointed Erin Lee as a Citizen Representative from Planning District I to the Alexandria Ad Hoc Recreation Needs Assessment Steering Committee. The voting was as follows:

Donley	-	Lee
Cleveland	-	Lee
Eberwein	-	Lee
Euille	-	Lee
Pepper	-	Lee
Speck	-	Lee
Woodson	-	Lee

* * * * *

EXECUTIVE SESSION

25. Consideration of convening an executive session pursuant to Section 2.2-3711(A)(3) of the Virginia Code, to discuss the acquisition of real property for a public purpose.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, at 10:35 p.m., City Council convened in executive session at this time, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, for the purpose of discussing the acquisition of real property for a public purpose. The voting was as follows:

Woodson	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck		"aye"

THEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, at 10:52 p.m., City Council reconvened the meeting. The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson		"aye"

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, City Council authorized the City Attorney to pursue the acquisition of the property, which was the subject of the executive session, along the lines discussed with City Council. The voting was as follows:

Woodson	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck		"aye"

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution pertaining to the executive session. The voting was as follows:

Woodson	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck		"aye"

The resolution reads as follows:

RESOLUTION NO. 2014

WHEREAS, the Alexandria City Council has this 11th day of December 2001, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried unanimously, at 10:55 p.m., the Regular Meeting of Tuesday, December 11, 2001, was adjourned. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

* * * * *

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk